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ORIGINAL
FILED
08 JUN 11 PM 2:18
RICHARD W. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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11 BANK OF AMERICA, N.A., a national
banking association,

12 Petitioner,

13 vs.

14 MICHELETTI FAMILY PARTNERSHIP, a
15 California Limited Partnership, ARTHUR
MICHELETTI, an individual, and JANICE
16 MICHELETTI, an individual,

17 Respondents.

CASE NO.: CV 08-2902 EMC

**BANK OF AMERICA'S NOTICE OF
PETITION TO COMPEL
CONTRACTUAL ARBITRATION**

Date: July 23, 2008
Time: 10:30 a.m.
Courtroom: C, 15th Floor
Judge: Hon. Edward M. Chen

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19 **TO RESPONDENTS AND THEIR ATTORNEYS OF RECORD:**

20 **PLEASE TAKE NOTICE** that on July 23, 2008, at 10:30 a.m. in Courtroom C
21 (15th Floor) of the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco,
22 California, Petitioner Bank of America, N.A. will petition this Court pursuant to 28 U.S.C. §§4
23 and 6 of the Federal Arbitration Act for an order compelling Respondents, and each of them, to
24 arbitrate the disputes identified in the petition filed and served herewith (the "Petition"), pursuant
25 to the terms of the Lease Agreement attached as Exhibit A to the Petition (the "Lease
26 Agreement"). Defendants seek the requested relief on the grounds that the Lease Agreement
27 contains a broad arbitration clause which requires the arbitration of any and all disputes relating
28 to the Lease Agreement. Specifically, pursuant to Article 20 of the Lease Agreement, "any


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1 question, dispute, controversy or misunderstanding arising under any provision of this lease shall
2 be settled by arbitration. The party asking for arbitration shall request arbitration through the
3 American Arbitration Association and the decision of that association shall be binding unto the
4 parties hereto.”

5 The Petition will be based upon this Notice, the Petition to Compel Arbitration filed
6 herewith, and the exhibit to that Petition, the complete files and records in this action, the written
7 and oral arguments of counsel and such other and further evidence as the Court may deem proper.

8 DATED: June 11, 2008

BUCHALTER NEMER
A Professional Corporation

10 By: 
11 RICHARD C. DARWIN
12 Attorneys for Petitioner
13 BANK OF AMERICA, N.A.
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